

JERRY RAY ELLISON,
INDIVIDUALLY AND AS NEXT FRIEND OF
C.I.E., A MINOR,

PLAINTIFFS,

CIVIL ACTION: WA:08-CV-00074-WSS

TO THE HONORABLE JUDGE OF SAID COURT:

On February 6, 2008, Plaintiffs filed their Original Petition in McLennan County state court. Subsequently, on or about February 25, 2008, Defendants Norderon and Cari-All were served with citation. On or about March 13, 2008, Defendants filed their Original Answer and Notice of Removal, making a general appearance before this Court.

Defendant Technibilt represented to Plaintiffs that Technibilt designed, manufactured and sold the product at issue in this dispute. Based on these and related representations, Plaintiffs and

Defendants entered into an agreement, in which the Parties mutually agreed to dismiss Defendants Cari-All and Defendant Norderon *only* without prejudice for refiling. Therafter, Plaintiffs will pursue their claims against Defendants Home Depot and Technibilt.

Wherefore, Plaintiffs request this Court to sign an order dismissing Defendants Cari-All and Norderon from this suit without prejudice to refiling, with costs of suit borne by each individual party.

Respectfully submitted,

**BEARD KULTGEN BROPHY
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/s/ Ryan C. Johnson

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INDIVIDUALLY AND ON BEHALF OF
CIE, A MINOR

CERTIFICATE OF CONFERENCE

Counsel for Defendants have been consulted regarding this Motion and have indicated that they are unopposed to the relief sought herein.

/s/ Ryan C. Johnson

Ryan C. Johnson

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of May, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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